

RECEIVED
CENTRAL FAX CENTER
OCT 26 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: Attorney Docket No.: 2873-US-CNT
Peter Robert Baum and William Christian Fanslow III

Serial No.: 10/622,237

Group Art Unit: 1644

Filed: 17 July 2003

Examiner: Haddad, M., Ph.D

For: ANTIBODIES THAT BIND LDCAM

DECLARATION UNDER 37 C.F.R. §1.131

Commissioner of Patents
P. O. Box 1450
Alexandria VA, 22313-1450

Sir:

I, the undersigned, hereby declare that:

1. I am the same William Christian Fanslow III named as co-inventor on the above-identified application. Prior to December 03, 1997, a nucleic acid encoding human LDCAM was isolated, the sequence of said nucleic acid was determined, and the amino acid sequence encoded by said nucleic acid was deduced, in the United States of America by me and Peter Robert Baum, the co-inventors named in the subject application, as evidenced by the Exhibit enclosed herewith.

2. The nucleic acid and amino acid sequence data presented in the Exhibit were obtained and the work that generated those data were completed in this country prior to December 03, 1997. The amino acid sequence presented in the Exhibit (HuB7L1-CoR) is identical to SEQ ID NO: 2 of the instant application, which is the amino acid sequence of human LDCAM.

3. Prior to December 03, 1997 in this country, I envisioned making anti-human LDCAM antibodies. Such antibodies would serve a variety of uses, including determining cell surface expression of LDCAM and for immunoprecipitation of LDCAM. Prior to December 03, 1997, it was common practice at Immunex to make antibodies to newly discovered proteins.

4. I therefore submit that this showing of facts is sufficient in character and weight as to establish that the invention of this application was conceived prior to December 03, 1997, the earliest possible 102(e)(1) date of the cited publication, U.S.

Declaration under 37 C.F.R. § 1.131

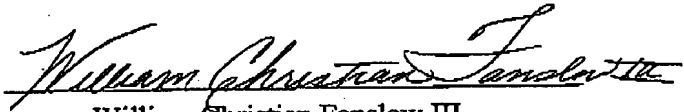
2873-US

Patent Application Publication US 2002/0198147 A1, and the earliest possible 102(e)(2) date of the cited U.S. Patent No. 6,642,360.

4. I further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

October 25, 2007

Date



William Christian Fanslow III

IJ243601 10/25/07

EXHIBIT

Serial No. 10/622,237

2873-US-CNT

HuB7L1-CoR Full Length

(Linear) (Six Base) MAP of: 4469-Wi26.Seq check: 1995 from: 1 to: 1535
[hollingsworth.cncdna.4469]

req 4469 HuB7L1 counterstructure Wi26 pool314-26#34 FINAL SEQUENCE FILE
3mGel1648, #7046, #5080 / 3mGel1663 dpc7266,67 / 2mGel1671 dpc7305,6
4469-wi26

```

      B                                     B
    ENXs                                     aX
    aomi                                     mh
    etaE                                     Ho
    1131                                     12
      //                               Sal-22778 → /
GCGGCGCGCGCGCGACATGGCGAGTGTAGTGCTGCGGAGCGGATCCCACTGTGCGGCGGCA
1  -----+-----+-----+-----+-----+-----+-----+-----+ 60
CGCGCGCGCGCGGCTGTACCGCTCACATCACGACGGCTCGCCTAGGGTCAACGCGCGCGT
a      M A S V V L P S G S Q C A A A -

      B
      s
      N      B      B      P
      s      BsKNH AsBSX B1
      P      aaaaa vrgmm a2
      B      nHsre aFlaa n8
      2      11112 11111 26
      //      // // /
GCGGCGCGCGCGCGCGCTCCCGGGCTCCGGCTCCGGCTTCTGCTGTGCTCTTCTCCGCCC
61 -----+-----+-----+-----+-----+-----+-----+ 120
CGCGCGCGCGCGCGCGGAGCGCGCGAGGCGAGGCGCGAAGACGACAACGAGAAGAGGCGG
a      A A A A A P P G L R L R L L L L L F S A -

      N      A
      ss      l
      ps      w
      Bt      N
      22      I
GCGGCACTGATCCCCACAGGTGATGGGCAGAACTCTGTTTACGAAAGACGTGACAGTGATC
121 -----+-----+-----+-----+-----+-----+-----+ 180
CGCGGTGACTAGGGGTGTCCACTACCGTCTTAGACAAAATGCTTTCTGCACTGTCACTAG
a      A A L I P T G D G Q N L F T K D V T V I -
Signal seq.
GAGGGAGAGGTTGCGACCATCAGTTGCCAAGTCAATAAGAGTGACGACTCTGTGATTCAG
181 -----+-----+-----+-----+-----+-----+-----+ 240
CTCCCTCTCCAACGCTGGTAGTCAACGGTTCAGTTATCTCACTGCTGAGACACTAAGTC
a      E G E V A T I S C Q V N K S D D S V I Q -

      A      E
      l      c
      w      o
      N      s
      7      s
      B
      s
      t
      P
      u      M
```

1 1 1 1
CTACTGAATCCCAACAGGCAGACCATTTATTTTCAGGGACTTCAGGCCCTTTGAAGGACAGC
241 -----+-----+-----+-----+-----+-----+-----+-----+-----+-----+ 300
GATGACTTAGGGTTGTCCGTCCTGGTAAATAAAGTCCCTGAAGTCCCGAAACTTCTGTGCG
a L L N P N R Q T I Y F R D F R P L K D S -

A P B
l A s s
w p h m
N o A B
l l l l

#30518 (7A) →
AGGTTTCAGTTGCTGAATTTTTCTAGCAGTGAAGTCAAAGTATCATTGACAAACGTCCTCA
301 -----+-----+-----+-----+-----+-----+-----+-----+-----+ 360
TCCAAAGTCAACGACTTAAAAAGATCGTCACTTGAGTTTCATAGTAAGTGTTCGAGAGT
a R F Q L L N F S S S E L K V S L T N V S -

#30509 (1A/6A) → #30516
ATTTCTGATGAAGGAAGATACTTTTGCCAGCTCTATACCGATCCCCCAGAGAAAGTTAC
361 -----+-----+-----+-----+-----+-----+-----+-----+-----+ 420
TAAAGACTACTTCCTTCTATGAAAACGGTCGAGATATGGCTAGGGGGTGTCTTTCAATG
a I S D E G R Y F C Q L Y T D P P Q E S Y -

X B B E
c s C s c
m a l a o
A a B R
(5A) → l l l l s
ACCACCATCACAGTCCCTGGTCCCACCAAGTAATCTGATGATGATATCCAGAAAGACACT
421 -----+-----+-----+-----+-----+-----+-----+-----+-----+ 480
TGGTGGTAGTGTGACAGACCAGGGTGGTGCATTAGACTACTAGCTATAGGTCCTTTCTGTGA
a T T I T V L V P P R N L M I D I Q K D T -

B H
s i E B
g n a a
l c e l
l 2 l l

#30514 (4A) →
GCGGTGGAAGGTGAGGAGATTGAAGTCAACTGCACTGCTATGGCCAGCAAGCCAGCCACG
481 -----+-----+-----+-----+-----+-----+-----+-----+-----+ 540
CGCCACCTTCCACTCCTCTAACTTCAGTTGACGTGACGATACCGGTCCGTTCCGGTCCGGTGC
a A V E G E E I E V N C T A M A S K P A T -

E
a
r
l

ACTATCAGGTGGTTCAAAGGGAACACAGAGCTAAAAGGCAAATCGGAGGTGGAAGAGTGG
541 -----+-----+-----+-----+-----+-----+-----+-----+-----+ 600
TGATAGTCCACCAAGTTTCCCTTGTGTCTCGATTTTCGGTTTAGCCCTCCACCTTCTCACC
← #30517 (5B/6B/7B)

a T I R W F K G N T E L K G K S E V E E W -

	N		N	A	pH		E
A	s		SP	p	lg		c
f	P		PV	a	2i		o D D
1	H		Bu	L	8A		5 r r
3	1		22	1	61		7 d a
			/		/		1 1 2

601 TCAGACATGTACACTGTGACCACTGAGCTGATGCTGAAGGTGCACAAGGAGGACGATGGG
AGTCTGTACATGTGACACTGGTCACTGACTACGACTTCCACGTGTTCTCTGCTACCC
a S D M Y T V T S Q L M L K V R K E D D G -

	B						
	s						
P	pH					B	N
p P	lg					P	s
u s	2i					f	s
M s	8A					c	t
1 1	61					1	1
/	/					1	2

661 GTCCCAGTGATCTGCCAGGTGGAGCACCTGCGGTCACTGGAAACCTGCAGACCCAGCGG
CAGGGTCACTAGACGGTCCACCTCGTGGGACGCCAGTGACCTTTGGACGTCTGGGTGCGC
a V P V I C Q V E H P A V T G N L Q T Q R -

	B						
	s						
	pH						E
X	p						c
b	a						o
a	1	L	8A				N
1	1	1	61				1
	/		/				

721 TATCTAGAAGTACAGTATAAGCCTCAAGTGCACATTTCAGATGACTTATCCTCTACAAGGC
ATAGATCTTCATGTCATATTGCGAGTTCACTGTAAGTCTACTGAATAGGAGATGTTCCG
← #30515 (4B)
a Y L E V Q Y K P Q V H I Q M T Y P L Q G -

	B		H	N
AsSX	S		iHA	s
vimm	m		apf	p
aFaa	1		cal	H
1111	1		213	1
/	/		/	

781 TTAACCCGGGAAGGGGACGCGCTTGAGTTAACATGTGAAGCCATCGGGAAGCCCCAGCCT
AATTGGGCCCTTCCCTGCGGAACTCAATTGTACACTTCGGTAGCCCTTCGGGGTGGGA

B		
s		
P	N	H
AB1	s	i
pa2	P	n
an8	B	d
126	2	3
//		

901 CCCAACCTGTTTCATCAATAACCTAAACAAAACAGATAATGGTACATACOGCTGTGAAGCT
-----+-----+-----+-----+-----+-----+-----+-----+-----+ 960
GGGTTGGACAAGTAGTTATTGGATTGTTTTGTTCTATTACCATGTATGGCGACACTTCGA-
(-ggatatcactcagcataatgtata t7 Promoter)
P N L F I N N L N K T D N G T Y R C E A -

41-mc- 33713

```

      T             S
      t             s
      h             AZ
      3             c1
                       c7
#30511 (2A/3A) →    11
TCAAACATAGTGCGGAAAGCTCACTCGGATTATATGCTGTATGTATA CGATCCCCCCCACA
961 -----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
AGTTTGTATCACCCCTTTTCGAGTGAGCCTAATATACGACATACATATGCTAGGGGGGTGT       1020
S N I V G K A H S D Y M L Y V Y D P P T -
ACTATCCCTCCTCCCAACAACCACCACCACCACCACCACCACCACCACCACCACCATCCTT
1021 -----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
TGATAGGGAGGAGGGTGTTGTTGGTGGTGGTGGTGGTGGTGGTGGTGGTAGGAA
                               ← #30512 (2B)
T I P P P T T T T T T T T T T T T T T T T I L -

```

PAGE 12/14 * RCVD AT 10/26/2007 2:56:47 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/18 * DNIS:2738300 * CSID:2062330644 * DURATION (mm-ss):03-46...

a T I Y T D S R A G E E G S I R A V D H A -

B T
s t
a h
H 3
1 2

1141 GTGATCGGTGGGTCGTGGCGGTGGTGGTGGTTCGCCATGCTGTGCTTCATCATTCTG
-----+-----+-----+-----+-----+ 1200
CACTAGCCACCGCAGCACCGGCCACCACCAAGCGGTACGACACGAAACGAGTAGTAAGAC
a V I G G V V A V V V F A M L C L L I I L -

H B
a s
e p
2 H
1

1201 GGGCGCTATTTTGCCAGACATAAAGGTACATACTTCACTCATGAAGCCAAAGGAGCCGAT
-----+-----+-----+-----+ 1260
CCCGCGATAAAACGGTCTGTATTTCATGTATGAAGTGAGTACTTCGGTTTCCTCGGCTA
a G R Y F A R H K G T Y F T H E A K G A D -

1261 GACGCAGCAGACGACAGACACAGCTATAATCAATGCAGAAGGAGGACAGAACAACCTCCGAA
-----+-----+-----+-----+ 1320
CTGCGTCGTCTGGTCTGTGTCGATATTAGTTACGTCTTCTCCTGTCTTGTGAGGCCT

← #30510 (1B)

a D A A D A D T A I I N A E G G Q N N S E -

S X
c b
a a
1 1

1321 GAAAAGAAAGAGTACTTTCATCTAGATCAGCCCTTTTGTGTTCAATGAGGTGTCCAACTGGC
-----+-----+-----+-----+ 1380
CTTTTCTTTCTCATGAAGTAGATCTAGTCGGAAAAACAAAGTTACTCCACAGGTTGACCG
a E K K E Y F I *

A
P
o
1

1381 CCTATTTAGATGATAAAGAGACAGTGATATTGGAACCTTGCGAGAAATTCGTGTGTTTTT
-----+-----+-----+-----+ 1440
GGATAAATCTACTATTTCTCTGTCACTATAACCTTGAACGCTCTTTAAGCACACAAAAA

1441 TATGAATGGGTGGAAAGGTGTGAGACTGGGAAGGCTTGGGATTTGCTGTGTAAAAA
-----+-----+-----+-----+ 1500
ATACTTACCCACCTTCCACACTCTGACCTTCCGAACCTTAAACGACACATTTTTTTTT

B
ENXs
aomi
etaE

1131

//

AAAAAATGTTCTTTGGAAAGAAAGCGGCGCG

1501 -----+-----+-----+----- 1535

TTTTTTTACAAGAAACCTTTCTTTTTCGCCGCGCG

Enzymes that do cut:

AccI	Afl3	AlwNI	ApoI	Apal	ApalI	AvaI	BalI
BamHI	BanI	Ban2	BcgI	BglI	BsaAI	BsaBI	BsaHI
BsgI	BsiEI	BsmBI	BspI286	BspHI	BspMI	BsrFI	Bst2171
Clal	Dra2	DrdI	DsaI	EaeI	EaeI	Eco57I	EcoNI
EcoRS	Hae2	HgiAI	Hinc2	Hind3	HpaI	KasI	NarI
NotI	NspB2	NspHI	PpuMI	PshAI	PssI	PstI	Pvu2
SapI	ScaI	SfcI	SmaI	SmlI	Sst2	StuI	Tth32
XbaI	XcmI	Xho2	XmaI	Xma3			

Enzymes that do not cut:

Aat2	AclI	Afl2	AgeI	AscI	AscI	Asp718	Asu2
Avr2	BbsI	BciVI	BclI	Bgl2	Bpu11021	BpmI	BsaI
BsiWI	BsmI	BspEI	BssH2	BstE2	BstXI	Bsu36I	DraI
Dra3	Eam1105	Eco473	EcoRI	FseI	FspI	KpnI	MluI
MunI	NcoI	NdeI	NgoMI	NheI	NruI	NsiI	PacI
PfIM1	PmeI	PmlI	PvuI	Rsr2	SalI	SfiI	SgrAI
SnaBI	SpeI	SphI	SrfI	Sse8387	SspI	SstI	StyI
SwaI	Tth31	XhoI	XmnI				